

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:) CASE NO. 10-42796-KW
)
NATURAL HEALTH FOODS AND) JUDGE KAY WOODS
BARBELL CENTER, INC)
Debtor) CHAPTER 7

**MOTION TO SELL INTELLECTUAL PROPERTY BY PRIVATE SALE; NOTICE OF
TRUSTEE'S INTENT TO SELL INTELLECTUAL PROPERTY OTHER THAN IN THE
ORDINARY COURSE OF BUSINESS**

NOW COMES Andrew W. Suhar, Chapter 7 Trustee in the above-captioned proceeding ("Movant"), and pursuant to §363(b) of the United States Bankruptcy Code and Rules 2002(a)(2) and 6004(a) of the Bankruptcy Rules of Procedure, requests the Court enter an order authorizing the sale of certain intellectual property of this estate by private sale. In furtherance hereof, Movant states as follows:

1. This case commenced by the filing of a voluntary petition under Chapter 7 of the Bankruptcy Code on July 26, 2010. Movant is the duly appointed, qualified and acting Chapter 7 Trustee in this proceeding.
2. The Debtor owns the following intellectual property: the right to a toll free telephone number (800-562-0002) and the right to a local telephone number (330-758-0111) (the "Intellectual Property").
3. Movant seeks authority to sell the Intellectual Property by private sale, "AS IS" and "WHERE IS" with no warranties whatsoever, to Health and Fitness, Inc. dba Health and Fitness Equipment Centers for the amount of \$400.00.
4. Movant believes this fair and in the best interest of this estate.

WHEREFORE, Andrew W. Suhar, Chapter 7 Trustee, prays the Court enter an order authorizing the sale of the Intellectual Property by private sale, "AS IS" and "WHERE IS" with no warranties whatsoever, to Health and Fitness, Inc. dba Health and

Fitness Equipment Centers for the amount of \$400.00. Movant further prays the Court grant him such other and further relief as the Court deems appropriate in these circumstances.

Respectfully submitted,

/s/ Andrew W. Suhar
ANDREW W. SUHAR, ESQ. Reg. No.0058419
Chapter 7 Trustee
29 East Front Street, 2nd Floor
P.O. Box 1497
Youngstown, OH 44501-1497
Telephone: (330) 744-9007
Facsimile: (330) 744-5857
E-mail: asuhar@suharlaw.com

CERTIFICATE OF SERVICE

I HEREBY certify that copy of the **Motion to Sell Intellectual Property by Private Sale; Notice of Trustee's Intent to Sell Intellectual Property Other than in the Ordinary Course of Business** was sent via regular U.S. mail, postage prepaid, or electronically sent, this 10th day of February, 2011, to:

The United States Trustee
Howard M. Metzenbaum U.S.
Courthouse
201 Superior Avenue
Room 441
Cleveland, OH 44114

William C. Helbley, Esq.
725 Boardman-Canfield Road
Unit K-2
Youngstown, OH 44512

Health and Fitness Equipment Center
6061 Mayfield Road
Cleveland, OH 44124

Natural Health Foods and
Barbell Center, Inc.
PO Box 3466
Boardman, OH 44513

***and to the following creditors
that filed claims by the bar date:***

Pitney Bowes Inc.
4901 Belfort Rd, Suite 120
Jacksonville, FL 32256

Recreation Supply, Inc.
PO Box 181
65 East Granville Street
Sunbury, OH 43074

Youngstown Cleaning Company
1057 Trumbull Avenue
Suite G
Girard, OH 44420

Berlin Bakery
PO Box 311
Berlin, OH 44610

Warren Laboratories
1656 I-35 South
Abbott, TX 76621

The Really Great Food Company
PO Box 2239
Saint James, NY 11780

Allied Waste Services
3870 Henricks Road
Youngstown, OH 44515

USA Sports, Inc.
c/o Immerman & Tobin Co., LPA
10810 Indeco Drive
Cincinnati, OH 45241

Bell Lifestyle Products, Inc.
07090 – 68th Street
South Haven, MI 49090

Ohio Edison Bankruptcy Dept.
6896 Miller Rd., Suite 204
Brecksville, OH 44141

Body Solid, Inc.
1900 S. Des Plaines Ave.
Forest Park, IL 60130

Avaya, Inc.
c/o RMS Bankruptcy Recovery
PO Box 5126
Timonium, MD 21094

Teeter
c/o STL International, Inc.
Teeter Hang Ups
9902 162nd Street Court East
Puyallup, WA 98375-6282

Christopher A. Fitzer, Estate
c/o Marilyn Carocce
115 Marwood Circle
PO Box 3466
Youngstown, OH 44513

Just Mine, Inc.
PO Box 3466
115 Marwood Circle
Boardman, OH 44513

M.E. Carrocce, CPA
PO Box 3466
115 Marwood Circle
Youngstown, OH 44513

Kenneth J. Digiacomio
144 S. Bayshore Dr.
Columbiana, OH 44408

Accell Fitness North America
PO Box 665
Kitchner, ON N2G 4B

Ohio Bureau of Workers' Comp
PO Box 15567
Columbus, OH 43215-0567

/s/ Andrew W. Suhar
ANDREW W. SUHAR, ESQ. Reg. No.0058419
Chapter 7 Trustee